

1 RENE L. VALLADARES  
Federal Public Defender  
2 State Bar No. 11479  
ALINA M. SHELL  
3 Assistant Federal Public Defender  
411 E. Bonneville, Ste. 250  
4 Las Vegas, Nevada 89101  
(702) 388-6577/Phone  
5 (702) 388-6261/Fax  
6 Attorney for **SANCHEZ-OSUNA**

7  
8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA,  
11 Plaintiff,  
12 vs.  
13 JOSE SANCHEZ-OSUNA,  
14 Defendant.  
15

2:12-cr-447-GMN-GWF and  
2:12-cr-389-GMN-VCF

**MOTION TO ALLOW LATE FILING**  
**OF NOTICE OF APPEAL**

**AND ORDER**

16 COMES NOW the defendant, Jose Sanchez-Osuna, by and through Assistant Federal Public  
17 Defender Alina M. Shell, and respectfully requests that this Court enter an order excusing Jose  
18 Sanchez-Osuna's late filing of a notice of appeal to the United States Court of Appeals for the Ninth  
19 Circuit from the Judgments entered in the above captioned cases, as well as the Court's collateral  
20 order denying his motion for appointment of CJA counsel for the purposes of appeal.

21 This motion is made pursuant to Federal Rule of Appellate Procedure 4(b)(4) and is based  
22 upon the following Points and Authorities filed herewith.

23 DATED this 23<sup>rd</sup> day of October, 2003.  
24

25 RENE L. VALLADARES  
Federal Public Defender

26 /s/ Alina M. Shell

27 By: \_\_\_\_\_  
ALINA M. SHELL,  
28 Assistant Federal Public Defender



1 On September 12, 2013, this Court entered written judgments in both cases. (*See* 2:12-cr-  
2 00389-GMN-GWF CR 39; 2:12-cr-00447-GMN-GWF CR 26.) The same day, the Court issued an  
3 order granting Ms. Koreblat's motion to withdraw, but denying without prejudice the motion to  
4 appoint counsel. (*See* 2:12-cr-00389-GMN-GWF CR 39; 2:12-cr-00447-GMN-GWF CR 28.) In its  
5 denial of the motion for appointment of counsel, the Court held that the motion was premature  
6 because Ms. Koreblat acknowledged the waiver of appeal, and that counsel could be appointed if  
7 Mr. Sanchez-Osuna chose to file a petition to set aside his conviction pursuant to 28 U.S.C. § 2255.

8 On September 20, 2013, undersigned counsel filed an unopposed motion requesting that this  
9 Court reconsider its order denying appointment of counsel. (*See* 2:12-cr-00389-GMN-GWF CR 40;  
10 2:12-cr-00447-GMN-GWF CR 29.) Undersigned counsel subsequently filed two addendums to her  
11 motion for reconsideration. While waiting for the resolution of the motion, the deadline for filing  
12 the notice of appeal—September 26, 2013—came and went.

13 The failure to file a notice of appeal was not due to oversight or neglect, but because  
14 undersigned counsel was attempting to resolve the motion for reconsideration she filed with this  
15 Court. Pursuant to the exception outlined in FRAP 4(b)(4), undersigned counsel asserts that she has  
16 established good cause to excuse the late filing of the attached notice of appeal.

17 On October 22, 2013, undersigned counsel spoke to United States Attorney Elizabeth White,  
18 Appellate Chief for the United States Attorney's Office for the District of Nevada. The government  
19 has no opposition to this motion.

20 Respectfully submitted,

21 RENE L. VALLADARES  
22 Federal Public Defender

23 /s/ Alina M. Shell

24 By: \_\_\_\_\_  
ALINA M. SHELL,  
Assistant Federal Public Defender

25 **IT IS SO ORDERED.**

26 **IT IS FURTHER ORDERED** that Defendant's  
27 MOTION for District Judge to Reconsider Order (ECF  
28 No. 29) is hereby **DENIED as moot.**

  
\_\_\_\_\_  
Gloria M. Navarro  
United States District Judge

**DATED: 11/13/13**

EXHIBIT “A”

EXHIBIT “A”

1 RENE L. VALLADARES  
Federal Public Defender  
2 State Bar No. 011479  
ALINA M. SHELL  
3 Assistant Federal Public Defender  
411 East Bonneville Avenue, Suite 250  
4 Las Vegas, Nevada 89101  
(702) 388-6577/Phone  
5 (702) 388-6261/Fax  
6 Attorney for **SANCHEZ-OSUNA**

7  
8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA,  
11 Plaintiff,  
12 v.  
13 JOSE SANCHEZ-OSUNA,  
14 Defendant.  
15

2:12-cr-447-GMN-GWF and  
2:12-cr-389-GMN-VCF

**NOTICE OF APPEAL**

16 NOTICE is hereby given that JOSE SANCHEZ-OSUNA, defendant herein, hereby appeals  
17 from any adverse rulings and determinations in this matter to the United States Court of Appeals for  
18 the Ninth Circuit from the judgment and conviction entered on September 12, 2013.

19 DATED this the 23<sup>rd</sup> day of October, 2013.  
20

21 RENE L. VALLADARES  
Federal Public Defender

22 */s/ Alina M. Shell*

23 By: \_\_\_\_\_  
24 ALINA M. SHELL  
Assistant Federal Public Defender  
25  
26  
27  
28